

REMARKS

By this Preliminary Amendment, Applicants added new claims 24-31 to place the application in better condition for examination. These amendments are made in addition to the changes made by the Amendment under 37 C.F.R. § 1.116 dated August 13, 2002 (“the August 13 Amendment”), which was used as the submission with the Request for Continued Examination filed on September 13, 2002. Accordingly, claims 10-12, 14-19, and 21-31 are presently pending for consideration.

New claims 24-31 include certain limitations from original claim 6, which contained allowable subject matter as indicated in the Office Action of June 5, 2001. Therefore, Applicants assert that new claims 24-31 are allowable over the prior art of record.

The following arguments are made in view of the Advisory Action of September 9, 2002, which was issued in response to the August 13 Amendment.

Claims 10-12, 14-19, and 21-31 Are Allowable

In view of the August 13 Amendment, the Advisory Action of September 9, 2002 indicates that claims 10-12, 14-19, and 21-23 would be rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hirayama et al. in view of Kameo et al. However, Applicants respectfully assert that pending claims 10-12, 14-19, and 21-31 are allowable, at least, for the following reasons.

With respect to independent claims 10, 14, 17, and 21, Applicants assert that Hirayama et al. does not teach or suggest, *inter alia*, a recordable medium having “a

reservation information area” for storing “a reservation information.” Page 3 of the Advisory Action states that Hirayama et al. discloses “a reservation information area for storing a reservation information (see col. 14, line 43 to col. 15, line 37) “

Applicants respectfully disagree with this characterization of Hirayama et al.

At column 14, line 43 through column 15, line 37, Hirayama et al. discloses a reproduction apparatus with a reservation function that stores the user’s song title selections (i.e., reservation information) in the *memory* of the apparatus. In accordance with the reservation routine, a “user can look at a title-select number correspondence table (which comes with the purchased disk) and make reservations one after another.” See column 14, lines 45-49. If the disk contains the title, the user’s selection (i.e., reservation information) is “stored in the reservation memory incorporated in the apparatus “ See column 14, lines 58-64 and column 15, lines 9-11. Therefore, Hirayama et al. fails to teach or suggest a *recordable medium* having “a reservation information area” for storing “a reservation information,” as recited in independent claims 10, 14, 17 and 21.

Furthermore, Applicants assert that Kameo et al. fails to teach or suggest, *inter alia*, a recordable medium having a reservation information area for storing (i) a reservation information that includes “a scheduled time for recording the television program,” as recited by independent claims 10 and 17, or (ii) a reservation information that includes “a start time for recording . . . a television program,” as recited by independent claims 14 and 21. In contrast, Applicants understand Kameo et al. to teach a remote control apparatus that includes a timer unit 3 that outputs commands, such as a

recording start command. See column 3, lines 24-29. Kameo et al. further discloses at column 3, lines 42-48 that a bar code reader 7A shown in Figure 4 is used as the remote control device to read program information (e.g., television broadcasting channel and recording start time) from a printed program sheet 8. Hence, Kameo et al. clearly does not disclose a recordable medium for storing “reservation information” as recited in independent claims 10, 14, 17, and 21.

For at least these reasons, Applicants assert that independent claims 10, 14, 17 and 21 are allowable. Furthermore, Applicants submit that dependent claims 11-12, 15-16, 18-19, and 22-31 are allowable at least because of their dependence from their respective independent claims and the reasons set forth above.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this Preliminary Amendment, the Examiner is invited to contact Applicants’ undersigned representative at 202.739.5271 to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to

Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

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